

The City Council met in regular session at the hour of 8:36 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Father Vahan Gosdanian, Holy Trinity Armenian Apostolic Church, noted today was Armenian Christmas and explained the history of why it is celebrated on January 6th , and gave the invocation.

Councilmember Sterling led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO JON JON’S GRAND CENTRAL STATION - COUNCILMEMBER STERLING

Read and presented.

(ADD-ON) PRESENTATION BY CITY MANAGER FOR HRMS PEOPLESOFT TEAMWORK

Presentation made with Councilmembers Calhoun, Castillo, Duncan and President Boyajian commending staff.

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SELECTION AND SWEARING-IN OF COUNCIL PRESIDENT AND ACTING COUNCIL PRESIDENT

President Boyajian thanked City Clerk, City Attorney and City Manager staff for their work, assistance and team effort in putting together the weekly agendas and urged the new Council President to utilize them.

Councilmember Calhoun thanked President Boyajian for his outstanding leadership the past two years and stated the city was moving forward and elaborated, and with earlier comments made about Councilmember Dages’ accomplishments during his first year on the Council made a motion to elect Councilmember Dages as Council President.

A motion of Councilmember Calhoun, seconded by Councilmember Duncan, to elect Councilmember Dages as Council President failed, by the following vote:

Ayes	:	Calhoun, Dages, Duncan
Noes	:	Castillo, Perea, Sterling, Boyajian
Absent	:	None

Councilmember Perea made a motion to elect Acting President Castillo as Council President, which motion was seconded and later acted upon.

of fairness to the Council; noted he would not be making comments at this time if the rotation system had been approved and advised he would keep bringing it back to hopefully be adopted; stated without that system in place personalities have to be talked about and advised he would not vote for Acting President Castillo as he felt he was not the best person for the position and he had not brought forth any initiatives or shown any leadership the past three years; spoke to the issues the city will be facing, how the entire city needed to be represented, and to what Councilmember Dages has accomplished; stated he saw divisiveness with the nomination of Acting President Castillo and things being done in the back room and he was very saddened and disappointed; and concluded stating with the rotation system there would be no games and that was why it was so important. President Boyajian spoke to the importance of the Council President showing leadership and not being biased; concurred Councilmember Dages has been a good council member and was qualified to be council president and clarified any vote made this date is not for or against any member; pointed out Acting President Castillo has been in that position for two years and on the council for three years; and stated he hoped the next council president understands the constituency is the city and also the City Council and everyone needs to be treated fairly.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Acting President Castillo hereby elected Council President, by the following vote:

Ayes	:	Castillo, Perea, Sterling, Boyajian
Noes	:	Calhoun, Dages, Duncan
Absent	:	None

A motion and second was made to elect Councilmember Perea as Acting Council President.

Councilmember Calhoun stated he was opposed and citing the close vote for Council President stated it was a slap in the face to Councilmember Dages to not be considered for the position of Acting Council President.

On motion of Councilmember Sterling, seconded by President Boyajian, duly carried, RESOLVED, Councilmember Perea hereby elected Acting Council President, by the following vote:

Ayes	:	Castillo, Perea, Sterling, Boyajian
Noes	:	Calhoun, Dages, Duncan
Absent	:	None

Acting President Castillo stated it was not easy being Council President and on behalf of the City Council and the entire city thanked President Boyajian for his dedication and time given to the city and presented him with a glass plaque. Councilmember Perea also thanked President Boyajian for his leadership.

City Clerk Klisch administered the oath of office and Acting President Castillo and Councilmember Perea were sworn in as Council President and Acting Council President.

The City Council recessed and the Redevelopment Agency convened in session at 9:11 a.m.

SELECTION AND SWEARING IN OF REDEVELOPMENT AGENCY CHAIR AND VICE CHAIR

Chair Duncan commended redevelopment staff stating it was an extraordinary privilege to work with them and added he has never worked with a finer group of professionals committed to rebuilding the inner-city.

A motion and second was made to elect Member Boyajian as Agency Chair.

Member Calhoun expressed his concern stating this was the same process and same deal-making; stressed there were seven talented individuals on the board and there was no reason for the past Council President to move to the position of Agency Chair; and emphasized each member should be allowed to serve and this was a violation of the Brown Act as four members had talked and decided issues.

On motion of Member Perea, seconded by Member Castillo, duly carried, RESOLVED, Member Boyajian hereby elected Chair of the Redevelopment Agency, by the following vote:

Ayes : Boyajian, Castillo, Perea, Sterling
 Noes : Calhoun, Dages, Duncan
 Absent : None

A motion and second was made to re-elect Vice Chair Sterling to the position. Member Calhoun stated, again, the deal was in and he would not support the motion.

On motion of Member Castillo, seconded by Member Perea, duly carried, RESOLVED, Vice Chair Sterling re-elected Vice Chair of the Redevelopment Agency, by the following vote:

Ayes : Castillo, Duncan, Perea, Sterling, Boyajian
 Noes : Calhoun, Dages
 Absent : None

City Clerk Klisch administered the oath of office and Member Boyajian and Vice Chair Sterling were sworn in as Redevelopment Agency Chair and Vice Chair.

The Redevelopment Agency recessed to later in the meeting and the City Council reconvened in regular session at 9:17 a.m.

APPROVE MINUTES OF DECEMBER 16, 2003

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of December 16, 2003, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST FOR TRAY MEMO ON WHAT CAN BE DONE TO MINIMIZE TRASH LOSS FROM GARBAGE TRUCKS GOING SOUTHBOUND ON FREEWAY 41 - COUNCILMEMBER DUNCAN

Request made with Assistant City Manager Souza stating staff was working on the issue and would report to council by the end of the week.

REQUEST STAFF TO PLACE ON THE JANUARY 13, 2004 AGENDA, AN ITEM TO DISCUSS ALTERNATIVES FOR EMERGENCY FUNDING TO MAINTAIN THE CHAFFEE ZOO'S ACCREDITATION TO INCLUDE UTILIZING A PORTION OF THE EXCESS SALES TAX BEING GENERATED IN THIS YEAR'S BUDGET WHICH IS CURRENTLY OVER AND ABOVE THE PROJECTED GROWTH RATE - COUNCILMEMBER CALHOUN

Request made with Councilmember Calhoun clarifying this was to address the immediate issue of accreditation and not the zoo's long-term needs **(2 - 0)**.

APPROVE AGENDA:

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to **Item 1-A** stating the City should take over operation of the zoo; to **Item 1-C** stating a determination needed to be made on who owns Shaw Avenue; to **Item 1-F** stating her opposition to utilizing employees' salaries; and to **Item 1-G** stating information should be made available to Council on where the surplus property is sent.

(1-A) APPROVE APPOINTMENTS OF SHARI RAINWATER, CHERYL ASSEMI AND STEPHEN GUINN TO THE CHAFFEE ZOO CITIZENS' ADVISORY COMMITTEE - MAYOR AUTRY; AND GUNNER JENSEN TO THE TOWER DISTRICT DESIGN REVIEW COMMITTEE - PRESIDENT BOYAJIAN

(1-B) APPROVE AGREEMENT WITH LEHMAN, KELLY AND O'KEEFE, ASSOCIATES FOR LOBBYING AND LEGISLATIVE SERVICES IN SACRAMENTO; AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-C) RESOLUTION NO. 2004-1 - SETTING A HEARING FOR FEBRUARY 3, 2004, AT 10:00 A.M. TO CONSIDER FORMATION OF UNDERGROUND UTILITY DISTRICT NO. FRE-83, CEDAR AVENUE NORTH AND SOUTH OF SHAW AVENUE, AND SHAW AVENUE WEST AND EAST OF CEDAR AVENUE

(1-D) AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ENTER INTO A HIGHWAY -RAIL SIGNAL INTERFACE AGREEMENT, ON BEHALF OF THE CITY, WITH THE BURLINGTON NORTHERN AND SANTA FE (BNSF) RAILROAD COMPANY, REQUIRED WITH THE CONSTRUCTION OF THE "R" AND TULARE STREET RAILROAD PREEMPTION PROJECT

(1-E) RESOLUTION NO. 2004-2 - APPROVE FINAL MAP OF TRACT NO. 5190 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, WEST SIDE OF N. BRAWLEY SOUTH OF W. CLINTON IN COUNCIL DISTRICT 3

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT ACKNOWLEDGING RIGHT TO FARM LAW

(1-F) RECEIVE FOR INFORMATIONAL PURPOSES THE COMPREHENSIVE ANNUAL FINANCIAL REPORTS ("CAFR") REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENT SYSTEMS FOR THE FISCAL YEAR ENDING JUNE 30, 2003

Councilmember Calhoun commended Retirement Office staff for keeping the systems afloat.

(1-G) BILL NO. B-106 - ORDINANCE NO. 2004-1 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE SALE OR OTHER DISPOSITION OF SURPLUS PERSONAL PROPERTY (RAISING THE AUTHORITY LEVEL FROM \$1,000 TO THE CURRENT FORMAL BID LIMIT OF \$51,00)

(1-H) RESOLUTION NO. 2004-3 - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF CALIFORNIA PARKS AND RECREATION DEPARTMENT GRANT FUNDING UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 - URBAN PARK ACT OF 2001, FOR THE DEVELOPMENT OF A NEIGHBORHOOD PARK AT THE NORTHWEST CORNER OF JENSEN AND WILLOW AVENUES

1. AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS WHICH MAY BE NECESSARY FOR THE PURPOSE OF SECURING GRANT FUNDS AND TO IMPLEMENT AND CARRY OUT THE PURPOSE SPECIFIED IN THE APPLICATION, ALL SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried. RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

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The City Council recessed and convened in joint session with the Redevelopment Agency at 9:28 a.m.

(9:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF DECEMBER 16, 2003

On motion of Councilmember Sterling, seconded by President Castillo, duly carried, RESOLVED, the Agency minutes of December 16, 2003, approved as submitted.

(“A”) RECEIVE AND GIVE DIRECTION TO STAFF TO DEVELOP A TWELVE (12) MONTH EXCLUSIVE NEGOTIATION AGREEMENT (ENA) BETWEEN THE REDEVELOPMENT AGENCY AND FRESNO HISTORIC CHINATOWN, LLC (FHC)

Director Fitzpatrick thanked outgoing Chair Duncan for his leadership and for working with staff in accomplishing major goals and objectives stating he was a very calming influence in a crazy world of complex development deals; spoke to the increase in redevelopment areas, new tax increment coming in to help pay for projects, and to the \$1 billion worth of new construction downtown stating downtown was coming back; and also thanked past-President/in-coming Chair Boyajian for his leadership and commitment to downtown's agenda.

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted and clarified approval of staff's recommendation to direct staff to develop a 12-month ENA would not approve any specific agreement terms.

Kathy Omachi, 759 “F” Street, Reedley, representing Chinatown Revitalization; Antonio Ruiz, Owner, Ruiz Construction; Chris Lewis, Del Camp and Maru Architects; and Allen Gee, Project Manager, Lewis Construction, spoke further to the project, to their experience, and highlighted the proposal, displaying a conceptual drawing of existing structures to illustrate.

Mr. Fitzpatrick advised City and Agency staff had a very good meeting with developer representatives, stated a first class team had been assembled and this was a good proposal to revitalize Chinatown, and recommended Agency staff be directed to move forward and develop the agreement.

Speaking to various concerns and/or in support of the proposal were: Lori Buffington, Fishman Larsen & Goldring, 7111 N. Fresno Street, Ste.200, on behalf of Horizon Enterprises, area property owners, who requested an owner participation agreement for their proposed condominium/expansion project; Julia Mitchell, 439 N. Chestnut, support; Gloria Stanfield, business/property owner, 1027-1031 “F” Street, who requested business owners not be “walked over” in the process; Barbara Hunt, 2475 S. Walnut; Kelly Nellum, 2680 N. Katy, who concurred with Ms. Stanfield's comments; Jose Luis Barraza, 4243 E. Thomas, support and requested housing for the disabled be considered; Dave Spaur, Economic Development Commission, support; Jonathan Richter, 400 W. Audubon, support/request eminent domain be used as a last resort; David Owens, 838 “F” Street, support; Jonni Pettit, 7435 W. Rialto, Chinatown employee, support; Latrina Bowen, 6047 N. San Pablo, support/questioned what will happen to the vagrants/homeless/tent people; Don Ghan, 986 E. Portland, support/urged caution with eminent domain **(3 - 0)**; and Ellington Jordan, 2226 N. Carol, support.

Relative to comments made about eminent domain, Councilmember Duncan stated it was typical for people to have a certain level of misunderstanding and upon his request Mr. Fitzpatrick explained why the tool of eminent domain needed to be part of this project and why a 12-month exclusive agreement was common and also important. Councilmember Duncan stated small businesses would benefit with this project because it would create housing, a better business environment, and provide an opportunity for more entrepreneurs in the area, spoke briefly to all that has taken place in west Fresno stating it has not been ignored, and spoke in support of the project and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Councilmember Sterling thanked everyone for their interest and comments; spoke to her meetings with Mr. Ruiz and his team, to how the historical society would be involved to insure the preservation of historic buildings, and stated the project would address the Regional Jobs Initiative and retaining and expanding businesses; spoke to the importance of having one master developer; and stated there was no

intent to eliminate existing businesses and that staff and the development group would work very closely with everyone.

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Mr. Spaur, Mr. Fitzpatrick, HECD Director Burkhardt and City Attorney Montoy clarified issues and/or responded to questions/requests/comments of President Castillo and Councilmembers Boyajian and Calhoun relative to the agreement time frame, request for quarterly updates, financial tools/programs available to businesses who want to renovate their properties, need to insure all options are made available to property owners or exhausted before eminent domain is used, if housing and business can co-exist, importance of having housing downtown and need for cooperation by all, the ENA and time frame triggers, details and terms of the ENA to be worked out and brought back, the positives of and improvements to west Fresno and downtown, the private sector looking to the city for assistance, the best plan not working if the private sector asks for too much financially, and if staff will include in their back whether the project is doable. Councilmember Calhoun thanked all the investors for seeing the potential in our city, especially the locals, and Councilmember Sterling advised the homeless/tent city issue was being addressed.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Agency staff directed to develop and process back to the Agency Board a twelve (12) month Exclusive Negotiation Agreement (ENA) with Fresno Historic Chinatown, LLC (FHC), for a master planned development program for the historic Chinatown area of downtown Fresno, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

AGENCY UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT REGARDING (1) A “DUMMY BEING BEAT” AT A POLICE SUBSTATION AT CHESTNUT AND DAKOTA AVENUES, (2) WHY REDEVELOPMENT IS NEEDED, AND (3) OVERLAPPING OF BOUNDARIES

Appearance made; no action taken.

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(4 - 0) The joint bodies adjourned their meeting at 10:57 a.m. and the City Council reconvened in regular session.

RECESS - 10:57 A.M. - 11:23 A.M.

(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-03-12 AND ENVIRONMENTAL FINDINGS, FILED BY LOGAN MONTEMAGNI & ASSOCIATES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. ALTA BETWEEN S. ORANGE AND S. SEVENTH STREETS - 3636 E. ALTA AVENUE IN COUNCIL DISTRICT 5

- 1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-12/S-03/45, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)
- 2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM R-1 TO R-2

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planning Manager Haro advised there was opposition from area residents and recommended the matter be referred back to staff, advised the developer would meet with area residents to try to address their concerns, and stated staff would reschedule and re-notice the hearing. A motion and second was made to refer the matter back to staff. President Castillo advised a list of people wanting to address council when the matter is reheard and a letter written in Spanish containing concerns with the entrance and exit of the project were received in entered them into the record, copies of which are on file in the office of the City Clerk.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the hearing on Rezone Application No. R-03-012, filed by Logan Montemagni & Associates, referred back to staff, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
Noes : Dages
Absent : None

Councilmember Dages stated he was not recognized to be heard before the vote; questioned whether the legal noticing and hearing

processes were followed; pointed out staff and the developer changed things quite a bit to make sure the project was the best fit for the neighborhood and he could not see where the problem was; expressed concern with the matter being delayed and with just now hearing about the opposition; and questioned how long the delay would be and requested he be kept informed/involved in the process/meetings, with Mr. Haro responding throughout.

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On motion of Councilmember Perea, seconded by President Castillo, duly carried, RESOLVED, reconsideration of the vote hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the hearing on Rezone Application No. R-03-012, filed by Logan Montemagni & Associates, referred back to staff, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(10:10 A.M.) HEARING ON PLAN AMENDMENT NO. A-03-04, REZONE APPLICATION NO. R-03-18, AND ENVIRONMENTAL FINDINGS, FILED BY PAUL AND GAYANE ATMAJIAN, TWO ADJACENT VACANT PARCELS LOCATED ON THE EAST SIDE OF N. PALM AVENUE BETWEEN E. SHIELDS AND E. SIMPSON AVENUES

1. CONSIDER AND ADOPT THE FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-04/R-03-18
2. **RESOLUTION NO. 2004-4** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE FRESNO HIGH-ROEDING COMMUNITY (P.A. A-03-04)
3. **BILL NO. B-1 - ORDINANCE NO. 2004-2** - AMENDING THE TOWER DISTRICT SPECIFIC PLAN
4. **BILL NO. B-2 - ORDINANCE NO. 2004-3** - AMENDING THE OFFICIAL ZONE MAP TO REZONE APN 443-061-19 FROM C-1 TO R-1 AND APN 443-061-18 FROM P TO R-1

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Zuniga reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Applicant Paul Atmajian who requested Council's support.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Boyajian spoke to how one rezone in his district spawned other improvements/developments, and spoke in support of the project and commended the applicant for improving the neighborhood.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-03-04/R-03-18, dated June 24, 2003, hereby approved; the above entitled Resolution No. 2004-4 hereby approved; and the above entitled Bill Nos. B-1 and B-2 adopted as Ordinance Nos. 2004-2 and 2004-3, respectively, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-03-10, REZONE APPLICATION NO. R-03-54, AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES ON BEHALF OF THE MCCAFFREY GROUP, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. BLYTHE AVENUE AND W. CLINTON AVENUES IN COUNCIL DISTRICT 1

1. CONSIDER AND ADOPT FINDING OF A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-10/R-03-54/T-5136
2. **RESOLUTION NO. 2004-4** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WEST AREA COMMUNITY PLAN
3. **BILL NO. B-3 - ORDINANCE NO. 2003-4** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT SITE FROM AE-5/UGM TO R-1/UGM

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President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issues as contained in the staff report as submitted and recommended approval.

Dirk Poeschel, 923 Van Ness, on behalf of McCaffrey Development, spoke further to the project and plan amendment and requested support.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Boyajian advised of a recent meeting held to establish framework on how to look at development in the west area in the future, presented questions relative to whether the rezone was the only issue this date, if it was possible for the developer to meet with staff to look at the different issues being put on the tables such as impact fees, and if McCaffrey Development was willing to pay appropriate fees (with Mr. Poeschel responding), and made a motion to approve staff's recommendation.

On motion of Councilmember Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment no. A-03-10/R-03-54/T-5136 dated November 13, 2003, hereby approved; the above entitled Resolution No. 2004-4 hereby adopted; and the above entitled Bill No. B-3 rezoning the subject property adopted as Ordinance No. 2004-4, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(2-A) (*RESOLUTION NO. 2004-6) - APPROVE APPOINTMENT PROCESS FOR BOARDS AND COMMISSIONS - BOARDS AND COMMISSIONS SUB-COMMITTEE, AS AMENDED

Barbara Hunt, 2475 S. Walnut, stated more people of color needed to be on the boards and commissions.

Councilmember Duncan stated he would support the process if the wording "applications must be typewritten" is eliminated stating that was 1960's thinking. Councilmember Dages concurred, thanked Councilmember Calhoun and the City Clerk for their assistance, and commented briefly on the process that was undertaken and the findings.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-6 hereby adopted, as amended, excluding the wording "applications must be typewritten", by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

City Attorney Montoy advised this minute resolution would be put into *formal resolution form to allow for easier tracking (and an official resolution number was assigned).

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LUNCH RECESS - 11:57 A.M. - 2:10 P.M.

(2:00 P.M. #2) CLOSED SESSION

(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: CASE NAME: CLAIM OF FREE REPUBLIC, LLC

The City Council met in closed session in Room 2125 at the hour of 2:10 P.M. to consider the above issue and convened in regular open session at 2:35 P.M.

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1/6/04

(2:30 P.M.) WORKSHOP TO CONSIDER AND GIVE DIRECTION REGARDING DEVELOPMENT OF A PUBLIC ARTS ORDINANCE

Parks, Recreation and Community Services Director Smejkal acknowledged committee members in attendance and spoke to the background and gave an overview of the issue, all as contained in the staff report as submitted. Pam Aiken, Executive Director of the Fresno Arts Council, gave a Power Point presentation on a collection of slides depicting public art in other cities **(5 - 0)**. Ms. Smejkal clarified issues related to art projects tied to construction and the traditional model of “percent for art” program associated with capital budgets for construction, and requested Council key in on primary decisions to help staff focus on how to continue their work in developing an ordinance and elaborated, referencing a chart displayed outlining goals.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Ms. Smejkal and Ms. Aiken responded at length to questions, comments and concerns of Councilmembers Duncan and Dages relative to the percent for art program and how Council infrastructure budgets would be impacted, concern with mandating a fee for the private sector, cost for a Public Art Master Plan, concern with costs that have not been considered, who will set guidelines or decide what “appropriate” art is, numerous other questions on the 20 guiding questions and answers, concern with timing of this issue and the city and state being in a crisis financial situation, if a 2% recommendation is going to be made it should be made for the fire department’s needs as it would serve the citizens better, public art being important but it being premature to spend time, money and energy that is not available, concern with debating 2% for art when the Chaffee Zoo needs funding, additional questions on the 20 guiding Qs & As , this adding to the bureaucracy, the art on the Fulton Mall, and public safety and the zoo being the highest priorities at this time.

Councilmember Boyajian stated he envisioned developers paying a certain percentage to bring art into the area; spoke to the city of Exeter’s public art and stated it was unbelievable and actually brings in economics and business for the downtown area; stated he did not know if a percentage from infrastructure budgets was the answer; and stated in these hard economic times art can be an economic stimulus. Councilmember Perea stated he was more optimistic; thanked everyone involved for all the time and effort they put into the issue; pointed out part of the Regional Jobs Initiative resolution was the livability aspect of our community and stated public art could and would play a major role in that just like parks and clean streets do; stated questions and concerns could be easily addressed by forming an arts advisory committee; concurred times were tough economically but emphasized they always have been and always will be and there were creative ways to fund the issue; and stated he was fully committed to developing an ordinance, stated maybe this needed to start on a smaller scale, and **(6 - 0)** encouraged everyone to stay positive and move forward to get an ordinance adopted.

City Manager Hobbs stated he was uncomfortable with the tone of some of the discussion and pointed out this was an idea brought forward by Council on a majority vote; commended Ms. Smejkal for taking on the task and expressed his appreciation for the thorough methodology that was used; and clarified the debate was not with staff but was among Council about the value of this as a program and about what the city is willing to pay or should or should not pay.

Councilmember Sterling noted the zoo was not at the forefront when this assignment was given; stated times have since changed, finances are a problem, and things may have to be rearranged; and stated she supported the issue and recommended staff and the arts council go back and reconsider their recommendations and options so the city can move forward on the issue. Councilmember Calhoun commended Councilmember Perea and all those involved; stated this issue came back positively but concerns were raised and encouraged everyone involved to help out more and revisit the design guidelines in the general plan; stated he was opposed to forcing things on the private sector and recommended suggestions/ideas be established and put in place for developers when they come in to pull permits; encouraged the process move forward by incorporating this into the planning process stating people would then get on board; and stated he was very optimistic and the city was on the right path and requested people not be discouraged. Councilmember Boyajian stated he agreed with Councilmember Calhoun that ideas/suggestions needed to be in place for every major project.

President Castillo commended staff and everyone else involved, stated concerns were heard and requested staff go back, consider all the issues and report back, and stated he hoped something positive would happen and that the city was limited only by creativity and not financially. Upon question of Ms. Smejkal, President Castillo stated even though Council was uncomfortable with a percentage being stated at the onset the percentage formula, and all the other ideas, should not be ruled out, and recommended staff come back with a Round 2 workshop. Ms. Smejkal responded briefly to questions of Councilmember Calhoun relative to whether planning, public works and agency staff were involved and if the general plan design guidelines were shared with the committee stating they needed to become familiar with that. There was no further discussion.

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143-9

1/6/04

(4-A) SCHEDULED PUBLIC COMMENT - APPEARANCE BY TOMAS CASAS ACOSTA, SR., TO DISCUSS AND REQUEST APPROVAL FOR CITY RESTAURANTS AND OTHER BUSINESSES TO ACCEPT BUS RIDERS REIMBURSEMENT OF \$1.00 ON THEIR BILL

Not present when called.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:11 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the __13th__ day of _____ January _____, 2004.

_____/s/_____
Brad Castillo, Council President

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

143-10

1/6/04